

## **Town Board Minutes**

November 21, 2016

Meeting No. 35

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 21<sup>st</sup> day of November 2016 at 7:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM, COUNCIL MEMBER  
DAWN GACZEWSKI, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
MATTHEW WALTER, COUNCIL MEMBER  
JOHANNA COLEMAN, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** DIANE TERRANOVA, TOWN CLERK  
KEVIN LOFTUS, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
GERALD GILL, CHIEF OF POLICE  
MARK LUBERA, PARK CREW CHIEF  
DANIEL AMATURA, HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES  
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

### **EXECUTIVE SESSION:**

AT 8:35 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter

At 8:47 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

### **PERSONS ADDRESSING TOWN BOARD:**

**Maddock, Frank**, spoke to the Town Board on the following matter:

- Comments regarding progress on Como Park Master Plan and the remediation of the lake.

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 1 Special Use Permit 31  
Peppermint Road

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY  
COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested  
persons upon a Special Use Permit 31 Peppermint Road, (Topsoil Shredding) matter.

The affidavits of publication and posting of this Public Hearing are on file  
and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
John Garas, Esq. Representing Petitioner	Proponent
Mark Zulawski	Opponent
Paul Nosbisch, Jr.	Comments/Questions
Brent Henderson	Opponent
William Karn	Opponent
Bob Putnam	Opponent
Amy Zack	Opponent

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL  
MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 7:55 P.M.

Decision on this matter was reserved.

November 21, 2016

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 2 Special Use Permit 31  
Peppermint Road

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was opened.

At 7:55 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Special Use Permit, 31 Peppermint Road, Mining Operations matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
John Garas, Esq. Representing Petitioner	Proponent
Brent Henderson	Opponent
Paul Nosbisch, Jr.	Comments/Questions

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was closed at 7:58 P.M.

Decision on this matter was reserved.

November 21, 2016

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 3 Rezone 6645 Transit Road

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was opened.

At 7:58 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Rezone 6645 Transit Road from GB to CMS matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Jess Sudol Engineer for Petitioner	Proponent
Anthony Daniele Petitioner	Proponent
Paul Nosbisch, Jr.	Comments/Questions

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:11P.M.

Decision on this matter was reserved.

November 21, 2016

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 4 Special Use Permit 3981  
Walden Avenue

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY  
COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was opened.

At 8:11 P.M., the Town Board held a Public Hearing to hear all interested  
persons upon a Special Use Permit 3981 Walden Avenue accessory use operation matter.

The affidavits of publication and posting of this Public Hearing are on file  
and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Corey Auerbach, Esq. Representing Petitioner	Proponent
David Goettel, Petitioner	Proponent

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL  
MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:20 P.M.

Decision on this matter was reserved.

November 21, 2016

**PRESENTATION OF PREFILED RESOLUTIONS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI TO WIT:

**RESOLVED,** that the minutes of the Joint Meeting of the Town Board and  
the Planning Board held November 7, 2016 and the Regular Meeting of the Town Board held  
November 7, 2016 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Assistant to the Supervisor, to wit:

Claim No. 46382 to Claim No. 46549 Inclusive

Total amount hereby authorized to be paid: \$1,113,570.80

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
26127		Michael L. Pytlak	11 Newell Ave	Re-Roof	(V/L)
26128		Kent & Beth Turner	134 Robert Dr	Er. Shed	(V/L)
26129		John Leavoy	17 Hidden Trl	Er. Fence	
26130		Anthony J. Bianco	66 Chestnut Corner	Er. Fence	
26131		Mark & Denise Szymusiak	5671 Broadway	Er. Sign - Temp	
26132		Ryan Homes - NVR Inc.	702 Pleasant View Dr	Er. Dwlg.-Sin.	
26133		Ryan Homes - NVR Inc.	43 Pear Tree Ln	Er. Dwlg.-Sin.	
26134		Michael & Brenda Hyde	17 Village View	Inst. Generator	
26135		Janet Cropper	962 Ransom Rd	Er. Shed	
26136		Superior Decks & Gazebos Inc.	1476 Townline Rd	Dem/Er Decks	
26137		Christopher Collins	3 Magrum Ln	Er. Shed	
26138		Switala's Siding Cedar Inc.	71 Richmond Ave	Re-Roof	(V/L)
26139		Donald Anstett & Ellen Beltz	68 Lombardy St	Er. Fence	(V/L)
26140		Robert & Ruth Crowe	28 Jonquille Ct	Er. Res. Alt.	
26141		Kamholz Enterprises, LLC	5548 Broadway	Er. Deck	(V/L)
26142		Franks Commercial & Home	2663 Wehrle Dr	Er. Comm. Add./Alt.	
26143		Avox Systems Inc.	225 Erie St	Dem. Bldg	(V/L)
26144		Franks Commercial & Home	676 Ransom Rd	Er. Res. Alt.	
26145		Joe Christ	8 Branch Way	Er. Porch	
26146		William & Barbara Klein	35 Hidden Trl	Re-Roof	
26147		Beauty Pools Inc.	5354 Genesee St	Er. Pool-In Grnd	
26148		Marrano/Marc Equity Corp.	11 Cherryfield Ln	Er. Dwlg.-Sin.	
26149		Marrano/Marc Equity Corp.	7 Cherryfield Ln	Er. Dwlg.-Sin.	
26150		Christopher M. Nichter	496 Aurora St	Er. Shed	
26151		Jason Peters	32 Summerfield Dr	Er. Fence	
26152		Antoinette Bosse	243 Pleasant View Dr	Er. Dwlg.-Sin.	
26153		TDB Properties LLC	3981 Walden Ave	Er. Sign - Pole	
26154		Kapri P. Bishnu	3465 Walden Ave	Re-Roof	(V/L)
26155		John Balconi	32 Hillside Pky	Inst. Generator	
26156		457 Niagara, LLC	480 Aurora St	Er. Sign - Wall	
26157		RJF Development JV	4 Middlebury Ln	Er. Dwlg.-Sin.	
26158		RJF Development JV	2 Middlebury Ln	Er. Dwlg.-Sin.	
26159		Fairway Hills Development	39 Pear Tree Ln	Er. Dwlg.-Sin.	
26160		JLB Installations	27 Regency Ct	Er. Pool-In Grnd	
26161		JLB Installations	27 Regency Ct	Er. Fence	
26162		Buffalo Roofing Co., LLC	19 Fairfield Ave	Re-Roof	(V/L)
26163		Buffalo, Roofing Co., LLC	1169 Ransom Rd	Re-Roof	
26164		Buffalo Roofing Co., LLC	349 Lake Ave	Re-Roof	
26165		Salvatore Spinuzza	214 Aurora St	Re-Roof	(V/L)
26166		John & Gretchen Buckles	5226 Genesee St	Re-Roof	
26167		Solar Liberty Energy Systems I	474 Pleasant View Dr	Er. Res. Alt.	
26168		Steven L. Apple	204 Cemetery Rd	Er. Sign - Grnd	
26169		933 Ransom Rd. LLC	1202 Townline Rd	Er. Comm. Bldg.	

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and



**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**RESOLVED THAT,** the Town Board of the Town of Lancaster hereby approves the Pledge, Assignment, and Custodial Agreement, between the Town of Lancaster and JPMorgan Chase Bank, N.A., as presented, for purposes of depositing funds and securing deposited funds of the Town of Lancaster pursuant to the General Municipal Law, and hereby authorizes the Town Supervisor to execute the same on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, the Town Board is considering the paving of an existing stone parking lot and expansion to create a total of 114 parking spaces. New site LED site lighting, a new dumpster enclosure and piping of the Genesee Street ditch by Buffalo Suburban Church, located at 5580 Genesee Street in the Town of Lancaster, and

**WHEREAS**, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on November 7, 2016 and recommended that a Negative Declaration be issued, and

**WHEREAS**, the Town Board has duly considered the plans for the building, the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS**, the proposed action has been labeled an “Unlisted” action under SEQRA.

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

1. This project described as the paving of an existing stone parking lot and expansion to create a total of 114 parking spaces; new site LED site lighting, a new dumpster enclosure, and piping of the Genesee Street ditch are also included in the project. The portion of the site where the project will take place is currently a stone parking lot on .99± acres located at 5580 Genesee Street in the Town of Lancaster, NY; will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: November 21, 2016**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed paving of an existing stone parking lot and expansion to create a total of 114 parking spaces. New site LED site lighting, a new dumpster enclosure and piping of the Genesee Street ditch by Buffalo Suburban Church, located at 5580 Genesee Street. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Buffalo Suburban Church Parking Lot Expansion

**Location of Action:** 5580 Genesee Street, Lancaster, New York 14086, Erie County.

**SEQR Status:** Unlisted Action.

**Description of Action:** paving of an existing stone parking lot and expansion to create a total of 114 parking spaces. New site LED site lighting, a new dumpster enclosure and piping of the Genesee Street ditch are also included in the project. The portion of the site where the project will take place is currently a stone parking lot.

**Reasons Supporting this Determination:** Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.

7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.
8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.
9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
  - A flood plain development permit will be required.
11. The proposed action will not create a hazard to environmental resources or human health.

**For Further Information:**

Contact Person:	Kevin E. Loftus, Town Attorney
Address:	Town of Lancaster 21 Central Avenue Lancaster, New York 14086
Telephone Number:	(716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER WALTER, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS,** §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

**WHEREAS,** the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER",

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to §130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 5<sup>th</sup> day of December 2016, at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing will be published in the Official Newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

**LEGAL NOTICE**  
**PUBLIC HEARING**  
**AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE**  
**TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**  
**DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 21<sup>st</sup> day of November, 2016, the said Town Board will hold a Public Hearing on the 5<sup>th</sup> day of December, 2016, at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**Article STOP INTERSECTIONS; NON-INTERSECTION STOPS;  
YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding  
thereto following:**

**Cross Creek Subdivision**

<b>STREET NAME</b>	<b>INTERSECTING STREET</b>	<b>SIGN LOCATION</b>
<b>Tranquility Trail</b>	<b>Weathersfield Lane</b>	<b>S.W. Corner</b>

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: DIANE M. TERRANOVA  
Town Clerk**

November 24, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER WALTER, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**WHEREAS**, Mark Lubera, Park Crew Chief of the Town of Lancaster’s Parks Recreation & Forestry Department, has requested to have two (2) Horton 4-4200 Series Bi-Folding doors purchased and installed at the Town’s Court Building located at 525 Pavement Road, which will replace the current doors that are defective during high winds, and

**WHEREAS**, the Park Crew Chief, submitted a Request for Proposal for the purchase and installation of two (2) Horton 4-4200 Series Bi-Folding doors and obtained three written quotes from vendors pursuant to §104 of General Municipal Law and in accordance with the Town of Lancaster’s Procurement Policy, and

**WHEREAS**, by letter dated November 9, 2016, Mark Lubera has recommended that the Town of Lancaster have the doors purchased from and installed by Imperial Door Controls, Inc., 85 Oriskany Drive, Tonawanda, NY for an amount not to exceed \$17,604.00 per their proposal dated October 21, 2016;

**NOW, THEREFORE, BE IT**

**RESOLVED**, The Town Board of the Town of Lancaster hereby approves the purchase and installation of two (2) Horton 4-4200 Series Bi-Folding doors at the Town’s Court Building located at 525 Pavement Road from Imperial Door Controls, Inc., 85 Oriskany Drive, Tonawanda, NY 14150 as proposed by Park Crew Chief, Mark Lubera for an amount not to exceed \$17,604.00 per their quote dated October 21, 2016; this sum will be paid for with the remaining bond funds available from the construction of the Police and Court Building.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated November 9, 2016 has recommended the appointment of the following individual(s) to the following part-time permanent position(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual(s) are hereby appointed to the following part-time permanent position(s) in the Parks, Recreation and Forestry Department, working not more than nineteen and three-quarter hours per week, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Jerry Manhard (rehire) Depew, NY	Recreation Attendant	\$9.00	November 5, 2016

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**WHEREAS**, the Town Line Volunteer Fire Department, Inc., by letter dated November 8, 2016, has requested the addition of a member to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individual:

**ADDITION:**

Leanna Hoover  
Buffalo, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, the Town Board is considering the site plan modifications and special use permit application for mulch shredding and processing by Superior Pallets, located at 3981 Walden Avenue in the Town of Lancaster, and

**WHEREAS**, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on November 7, 2016 and recommended that a Negative Declaration be issued, and

**WHEREAS**, the Town Board has duly considered the plans for the building, the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS**, the proposed action has been labeled an “Unlisted” action under SEQRA.

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

1. This project described as the site plan modification and special use permit for mulch shredding and processing on 7.0± acres located at 3981 Walden Avenue in the Town of Lancaster, NY, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: November 21, 2016**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed site plan modifications and special use permit application for mulch shredding and processing by Superior Pallets, located at 3981 Walden Avenue. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Superior Pallets

**Location of Action:** 3981 Walden Avenue, Lancaster, New York 14086, Erie County.

**SEQR Status:** Unlisted Action.

**Description of Action:** the site plan modification and special use permit for mulch shredding and processing.

**Reasons Supporting this Determination:** Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.
8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.

9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
11. The proposed action will not create a hazard to environmental resources or human health.

**For Further Information:**

Contact Person:	Kevin E. Loftus, Town Attorney
Address:	Town of Lancaster 21 Central Avenue Lancaster, New York 14086
Telephone Number:	(716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**WHEREAS**, the Town of Lancaster, in conjunction with the Village of Lancaster and the Village of Depew (“the Municipalities), has determined the need exists to have a combined Comprehensive Master Plan prepared to guide the municipalities’ decision making process regarding growth, development, and preservation in their respective communities, and

**WHEREAS**, to ensure that the communities prosper economically while maintaining their current character, the Town Board of the Town of Lancaster wishes to issue a request for proposals to solicit responses from outside land planning professionals who may be able to perform this task;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. that the Town Board of the Town of Lancaster that a request for proposals (“RFP”) from land planning professionals for the preparation of a combined Comprehensive Master Plan for the Town of Lancaster and the Villages of Lancaster and Depew, be submitted to the Town Clerk up to 3:00 P.M., Local Time, on December 14, 2016, in accordance with specifications on file in the Town Clerk's Office, and
2. That the Town Clerk be and is hereby authorized to advertise the RFP in the Lancaster Bee and the Buffalo Criterion and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof, and

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

**LEGAL NOTICE**  
**REQUEST FOR PROPOSALS FOR**  
**LAND PLANNING PROFESSIONAL SERVICES**

FOR THE

**TOWN LANCASTER, VILLAGE OF LANCASTER, AND VILLAGE OF DEPEW  
COMBINED COMPREHENSIVE PLAN PROJECT**

**NOTICE IS HEREBY GIVEN**, The Town of Lancaster, in conjunction with the Village of Lancaster and Village of Depew, located in eastern Erie County, is requesting proposals from land planning professionals for the preparation of a combined Comprehensive Master Plan. The last joint master plan was developed in 2000 and an update is needed to guide the municipalities' decision making processes regarding growth, development, and preservation, thereby insuring that the communities prosper economically while maintaining their current character. A copy for the formal Request for Proposals can be obtained by contacting: Town of Lancaster, Office of the Supervisor, 21 Central Avenue, Lancaster, NY 14086 (telephone: 716-683-1610 or email: [JAbraham@lancasterny.gov](mailto:JAbraham@lancasterny.gov)). The submission deadline is December 14, 2016.

The contract will be funded wholly or partially with federal funds and, as such, is subject to all federal rules and regulations pertinent thereto, including but not limited to federal policy of encouraging participation of minority and women business enterprises as sources of supplies, equipment, and professional services.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: DIANE M. TERRANOVA  
Town Clerk**

**November 23, 2016**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**BE IT RESOLVED**, that effective November 1, 2016 the Town of Lancaster, Location Code 30040, hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

TITLE	STANDARD WORK DAY (HRS/DAY)	NAME	SOCIAL SECURITY NUMBER (LAST 4)	REGISTRATION NUMBER	CURRENT TERM BEGIN & END DATES	RECORD OF ACTIVITIES RESULT
Elected Officials						
Councilman	6	John Abraham			01/01/14 - 12/31/17	6.09

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLUTION APPROVING THE ISSUANCE OF CERTAIN OBLIGATIONS BY  
TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY TO  
FINANCE A CERTAIN MANUFACTURING PROJECT FOR SEALING DEVICES  
INC., ON BEHALF OF ALTEMA ENTERPRISES, LLC.

**BE IT ENACTED** by the Town Board of the Town of Lancaster, New York, as follows:

**WHEREAS**, pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended (the “Enabling Act”) and Chapter 995 of the 1972 Laws of New York, as amended, constituting Section 898-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”), the Town Board of the Town of Lancaster, New York (the “Town Board”) has heretofore appointed the Chairman and members of Town of Lancaster Industrial Development Agency (the “Issuer”) and has duly caused to be filed in the office of the Secretary of State of the State of New York the certificates required by Section 856 of the Act; and

**WHEREAS**, to accomplish its stated purposes, the Issuer is authorized and empowered under the Act to issue its revenue bonds to finance the cost of the acquisition, construction and installation of one or more “projects” (as defined in the Act), to acquire, construct and install said projects or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

**WHEREAS**, Sealing Devices Inc., a New York corporation (the “Applicant”), on behalf of Altema Enterprises, LLC, a New York limited liability company affiliated with the Applicant (the “Company”), has presented an application (the “Application”) to the Issuer, a copy of which Application is on file at the office of the Issuer, requesting that the Issuer consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) the construction of a manufacturing facility (the “Facility”) on an approximately 1.12 acre parcel of land located at 4400 Walden Avenue, Lancaster, New York, consisting of the construction of an approximately 25,320 square foot addition to the Company’s existing approximately 119,075 square foot facility, all for the manufacture and distribution of die-cut gaskets, seals, and sealing materials; (B) the financing of all or a portion of the costs of the foregoing by the issuance of revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay all or a portion of the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to be approximately \$3,500,000 and in any event not to exceed \$3,750,000 (the “Obligations”); (C) the payment of a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; (D) the granting of certain other “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively with the Obligations, the “Financial Assistance”); and (E) the lease (with an obligation to purchase) or sale of the Facility to the Company or such other person as may be designated by the Company and agreed upon by the Issuer; and

**WHEREAS**, the Company has requested that interest on the Obligations be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 144(a) of the Internal Revenue Code of 1986, as amended (the “Code”); and

**WHEREAS**, the Town Board has been advised by the Issuer that the Issuer proposes to issue, subsequent to the adoption of this resolution, the Obligations from time to time in a principal amount sufficient to fund all or a portion of the costs of the Project; and

**WHEREAS**, pursuant to Section 147(f) of the Code, interest on the Obligations will not be excludable from gross income for federal income tax purposes unless, among other things, the issuance of the Obligations is approved by the “applicable elected representative” of the Town of Lancaster, New York after the Issuer has held a public hearing, following reasonable public notice, on the nature and location of the Project Facility and the issuance of the Obligations; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the board of directors of the Issuer on November 10, 2016 (the “SEQR Resolution”), the Issuer (A) concurred in the determination by the Town of Lancaster (the “Town”) to act as “lead agency” with respect to the Project and (B) indicated that the Issuer had no information to suggest that the Town was incorrect in issuing a negative declaration (the “Negative Declaration”) determining that the Project will not have a “significant effect on the environment” pursuant to SEQRA; and

**WHEREAS**, pursuant to the authorization contained in a resolution adopted by the members of the Issuer on October 11, 2016 (the “Inducement Resolution”), the Chief Executive Officer of the Issuer (A) caused notice of public hearing of the Issuer (the “Public Hearing”) pursuant to Section 859-a of the Act and Section 147(f) of the Code, to hear all persons interested in the Project and the Financial Assistance being contemplated by the Issuer with respect to the Project, to be mailed on October 27, 2016 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted on October 28, 2016 on (1) a bulletin board located at Lancaster Town Hall, 21 Central Avenue, Lancaster, New York (the “Town Hall”) and (2) the Issuer’s website, (C) caused notice of the Public Hearing to be published on October 27, 2016 in The Lancaster Bee, a newspaper of general circulation available to the residents of the Town of Lancaster, Erie County, New York, (D) conducted the Public Hearing on November 10, 2016 at 8:30 a.m., local time at the Town Hall, and (E) prepared a report of the Public Hearing (the “Hearing Report”) which fairly summarized the views presented at said Public Hearing and distributed same to the members of the Issuer and to the Town Board; and

**WHEREAS**, pursuant to Section 147(f) of the Code, the Town Board desires to allow the interest on the Obligations to be treated as excludable from gross income for federal income tax purposes; and

**WHEREAS**, pursuant to Section 870 of the Act, the Obligations and any obligation of the Issuer shall not be a debt of the Town or the State of New York, and neither the Town nor the State of New York shall be liable thereon;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Lancaster, New York, as follows:

**Section 1.** For the sole purpose of qualifying the interest payable on the Obligations for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 144(a) of the Code, the Town Board, as the elected governing body of the Town, hereby approves the issuance by the Issuer of the Obligations, provided that the Obligations, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York, the Town, or any political subdivision thereof (other than the Issuer), and neither the State of New York, the Town, nor any political subdivision thereof (other than the Issuer) shall be liable thereon.

**Section 2.** This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**WHEREAS, Buffalo Suburban Church,** has submitted a site plan prepared by Carmina\*Wood\*Morris, PC, dated August 23, 2016, with a revision date of September 28, 2016 and received September 29, 2016, for the proposed expansion and paving of an existing stone parking lot to create 114 parking spaces and include new LED site lighting, new dumpster enclosure and piping of the Genesee Street ditch, located at 5580 Genesee Street (SBL No. 82.04-2-13), in the Town of Lancaster, and

**WHEREAS,** the site plan for this project was submitted to the Planning Board and was approved at their October 5, 2016 meeting, and

**WHEREAS,** the Town, acting as lead agency has completed an environmental review on November 7, 2016, in conformance with SEQR (State Environmental Quality Review) regulations and on November 21, 2016 a Negative Declaration was issued;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the site plan prepared by Carmina\*Wood\*Morris, PC, dated August 23, 2016, with a revision date of September 28, 2016 and received September 29, 2016, for the proposed expansion and paving of an existing stone parking lot to create 114 parking spaces and include new LED site lighting, new dumpster enclosure and piping of the Genesee Street ditch, located at 5580 Genesee Street in the Town of Lancaster with the following conditions:

- 1. No work related to the roadside ditch and driveway culvert pipe can commence until a permit has been obtained from the New York State Department of Transportation and proof of such is provided to the Town of Lancaster.
- 2. Floodplain Development Permit must be obtained pursuant to Chapter 21 of the Town Code.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated November 15, 2016 has recommended the appointment of the following individual(s) to the following part-time permanent position(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual(s) are hereby appointed to the following part-time permanent position(s) at the Youth Bureau, working not more than nineteen and three-quarter hours per week, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Erin Bougard (new hire) West Seneca, NY	Tutor	\$16.00	November 16, 2016
Jennifer Perry (new hire) Elma, NY	Tutor	\$16.00	November 16, 2016

**BE IT FURTHER,**  
**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS,** the Town Board of the Town of Lancaster by resolution dated August 3, 2009 approved the final plat for the “Pleasant Heights Subdivision” located on Pleasant View Drive in the Town of Lancaster, and

**WHEREAS,** the approval of said subdivision was conditioned for the installation of a 5-foot sidewalk along each roadway in accordance with the Town standard, and

**WHEREAS,** since approving the condition requiring the installation of a sidewalk, the development of contiguous property was cancelled and therefore no longer warrants the installation of a sidewalk, and

**WHEREAS,** after reviewing the project and consulting with the Town’s Building Inspector, the Town Board of the Town of Lancaster has determined this is a reasonable proposition;

**NOW, THEREFORE, BE IT  
RESOLVED,** that the Town Board of the Town of Lancaster hereby grants a waiver of the condition requiring the installation of a 5-foot sidewalk along each roadway within the Pleasant Heights Subdivision as stated in the August 3, 2009 resolution and is conditioned as follows:

- This waiver is effective immediately and expires upon the application to the Town of Lancaster by William F. Bosse, his heirs, designees or developer having business dealings with him, for Subdivision approval for properties contiguous to Pleasant Heights Subdivision.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**WHEREAS, Gregory Sojka, of Greg’s Tree Service,** has submitted an application for a Special Use Permit to store mulch on premises locally known as 1230 Town Line, Lancaster, New York, currently zoned General Industrial (GI). In accordance with the provisions of Chapter 50 Section 25(B)(2)(a) of the Code of the Town of Lancaster, a Special Use Permit will allow an incidental use within that zoning classification.

**NOW THEREFORE, BE IT  
RESOLVED, as follows:**

That pursuant to Chapter 50-Zoning, Section 46 entitled Special use permits, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit to store mulch will be held at the Town Hall, 21 Central Avenue, Lancaster, New York , on the 5<sup>th</sup> day of December, 2016 at 7:15 o’clock P.M. Local Time, and the notice of the time and place of such hearing be published in a newspaper of general circulation in said Town, and posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER  
SPECIAL USE PERMIT– GREG’S TREE SERVICE**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50 Section 46 entitled Special use permits, of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 21<sup>ST</sup> day of November, 2016 the Town Board will hold a Public Hearing on the **5<sup>TH</sup> day of DECEMBER, 2016** at 7:15 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of **Greg Sojka**, for a Special Use Permit to allow an incidental use (Mulch Storage) in a current zoning classification (General Industrial-GI) on premises locally known as 1230 Town Line Road, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY:           DIANE M. TERRANOVA  
Town Clerk**

November 23, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**WHEREAS, Gregory Sojka, of Greg’s Tree Service,** has submitted an application for a Special Use Permit to operate a contractor’s storage yard including cold storage in a 16 x 30 existing garage on premises locally known as 1230 Town Line, Lancaster, New York, currently zoned General Industrial (GI). In accordance with the provisions of Chapter 50 Section 25(N) of the Code of the Town of Lancaster, a Contractor’s Yard is required to obtain a Special Use Permit within that zoning classification.

**NOW THEREFORE, BE IT  
RESOLVED, as follows:**

That pursuant to Chapter 50-Zoning, Section 46 entitled Special use permits, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit to allow a Contractor’s Yard use, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York , on the 5<sup>th</sup> day of December, 2016 at 7:15 o’clock P.M. Local Time, and the notice of the time and place of such hearing be published in a newspaper of general circulation in said Town, and posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016



**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER  
SPECIAL USE PERMIT– GREG’S TREE SERVICE**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50 Section 46 entitled Special use permits, of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 21<sup>st</sup> day of November, 2016 the Town Board will hold a Public Hearing on the **5<sup>th</sup> day of December, 2016** at 7:15 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of **Greg Sojka**, for a Special Use Permit to allow a Contractor’s Yard use including cold storage in a current zoning classification (General Industrial-GI) on premises locally known as 1230 Town Line Road, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY:           DIANE M. TERRANOVA  
Town Clerk**

November 23, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS**, the Emerald Ash Borer was first discovered in the United States in 2002, and

**WHEREAS**, the Department of Environment & Conservation has stated that the Emerald Ash Borer is responsible for the destruction of over 50 million ash trees in the United States, and

**WHEREAS**, there are approximately 900 million ash trees in New York State alone that the Emerald Ash Borer is a threat to, and

**WHEREAS**, residents in New York, including many in Erie County, the Town of Lancaster, Village of Depew and the Village of Lancaster have to remove trees from their private property that have been killed by the Emerald Ash Borer, and

**WHEREAS**, removal of dead ash trees can cost up to \$500.00 per tree, and

**WHEREAS**, New York State Senator Tim Kennedy has introduced legislation in the New York State Legislature to allow residents to apply for a tax credit of 50% of the cost of the removal of each tree, capped at \$300.00 per tree. The bill also allows a tax credit of \$100.00 or 50% of the cost of the treatment for each ash tree on their private property.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster calls on the New York State Legislature to pass Senate Bill S8196 to amend the tax code to allow taxpayers to claim credits for treating and removing trees infected by the Emerald Ash Borer, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board of the Town of Lancaster calls on Governor Andrew Cuomo to sign Senate Bill S8196 when it reaches his desk, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk of the Town of Lancaster is hereby directed to transmit copies of this resolution to New York State Senator Patrick Gallivan, New York State Assemblywoman-elect Monica Wallace, State Senator Tim Kennedy, State Senator Catharine Young (Chairwoman of the Senate Finance Committee), Assemblyman Herman Farrell, Jr. (Chairman of the Assembly Ways & Means Committee), Governor Andrew Cuomo, and to other municipalities within Erie County.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Mark Lubera, Park Crew Chief of the Town of Lancaster’s Parks Recreation & Forestry Department, has requested the replacement of two (2) twenty-year-old Bocce Courts at the Town’s Senior Citizens’ Facility located at 100 Oxford Place in the Town of Lancaster, and

**WHEREAS**, the Park Crew Chief, submitted a Request for Proposal and obtained four (4) quotes for the replacement of two Bocce Courts pursuant to §104(b) of General Municipal Law and in accordance with the Town of Lancaster’s Procurement Policy, and

**WHEREAS**, by letter dated November 15, 2016 Mark Lubera has recommended that the Town of Lancaster award the contract for the replacement of the two (2) Bocce Courts to Tour Greens of WNY, in the amount of \$20,025.00 per their quote dated November 9, 2016, and

**WHEREAS**, funding for the replacement of the two (2) Bocce Courts is available from the Town’s Recreation Filing Fees Fund.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to award the contract for the replacement of the two (2) Bocce Courts at the Town Senior Citizens’ Facility located at 100 Oxford Place, to Tour Greens of WNY, 5141 Batavia-Elba Townline Road, Batavia, NY 14020, in accordance with their quote dated November 9, 2016 in the amount not to exceed \$20,025.00 and to be paid for with funds available from the Town’s Recreation Filing Fees Fund.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR COLEMAN, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**RESOLVED,** that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the agreement, as presented, between the Town of Lancaster and the Lancaster Industrial Development Agency which provides for payment of \$30,000 for 2016 from the Lancaster Industrial Development Agency to the Town of Lancaster for administrative services and overhead support provided by the Town to the Lancaster Industrial Development Agency.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER WALTER, TO WIT:

**WHEREAS, Up State Tower Co., LLC** has submitted a site plan prepared by Carpenter Consulting Group, dated January 21, 2016 with a revision date of June 23, 2016 and received July 12, 2016 for the proposed construction and operation of a new wireless telecommunications facility to be known as “Juniper Boulevard BUF-602B” located at Mohawk Place (104.08-4-25), in the Town of Lancaster, and

**WHEREAS,** the site plan for this project was submitted to the Planning Board and was approved at their July 20, 2016 meeting, and

**WHEREAS,** the Town, acting as lead agency had previously completed an environmental review for the project on October 3, 2016, in conformance with SEQR (State Environmental Quality Review) regulations and on October 17, 2016 a Negative Declaration was issued, which is hereby confirmed.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Carpenter Consulting Group, dated January 21, 2016 with a revision date of June 23, 2016 and received July 12, 2016 for the proposed construction and operation of a new wireless telecommunications facility by **Up State Tower Co., LLC**, to be known as “Juniper Boulevard BUF-602B” located at Mohawk Place (104.08-4-25) in the Town of Lancaster with the following condition:

- Provide documentation from the Federal Aviation Administration (F.A.A) that a light is not required at the top of the tower.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER GACZEWSKI, TO WIT:

**WHEREAS**, on October 17, 2016, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Article VII (A), §41.8, entitled "Communication Towers, Procedure" of Town Code of the Town of Lancaster, upon the application of **Up State Tower Co, LLC** for a Special Use Permit for the construction of a 160' self-supporting telecommunications tower, Juniper Boulevard-BUF 602B (the "Tower") to be located on premises at Mohawk Place (SBL No. 104.08-4-25) in the Town of Lancaster, New York, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard, and

**WHEREAS**, the Town, acting as lead agency had previously completed an environmental review for the project on October 3, 2016, in conformance with SEQR (State Environmental Quality Review) regulations and on October 17, 2016 a Negative Declaration was issued, which is hereby confirmed.

**NOW, THEREFORE, BE IT  
RESOLVED,**

That pursuant to Chapter 50-Zoning, Article VII (A), of the Town Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Up State Tower Co, LLC** for a Special Use Permit for the construction of the Tower located on premises at Mohawk Place (SBL No. 104.08-4-25), Lancaster, New York, upon the terms and conditions as set forth in the Special Use Permits Zoning Ordinance with the following condition:

- A copy of the FCC License.

**BE IT FURHTER  
RESOLVED,**

That pursuant to Chapter 50-Zoning, Article VII (A), §41.10 of the Town Code of the Town of Lancaster, the Town hereby waives the setback requirements set forth in Chapter 50-Zoning, Article VII (A), §41.6 (E)(4) with respect to the Tower.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

November 21, 2016

## **COMMUNICATIONS & REPORTS**

- 712. Dog Control Officer to Town Board –  
Monthly Dog Report for October 2016. Disposition = Received & Filed**
- 713. Town Attorney to Town Board and Planning Board –  
SEQR responses from Erie County Dept. of Environment & Planning and the  
Division of Sewerage Management regarding Schuster 3-Lot Subdivision,  
Haskell Drive @ Harris Hill, Proj. #1610. Disposition = Planning Committee**
- 714. Town Attorney to Town Board and Planning Board –  
SEQR responses from Erie County Dept. of Environment & Planning and the  
Division of Sewerage Management regarding Seneca Place Residential  
Development, 2 Single-Family Homes, Proj. #1750.  
Disposition = Planning Committee**
- 715. Town Attorney to Town Board and Planning Board –  
SEQR responses from Erie County Dept. of Environment & Planning and the  
Division of Sewerage Management regarding 455 Pleasant View Subdivision,  
3 Single-Family Homes, Proj. #5051. Disposition = Planning Committee**
- 716. Town Attorney to Town Board and Planning Board –  
SEQR response from Erie County Dept. of Environment & Planning regarding  
Superior Pallets, Inc., Revised Site, 3981 Walden Ave., Proj. #1522.  
Disposition = Planning Committee**
- 717. Lancaster Volunteer Ambulance Corps to Town Clerk –  
LVAC calls for October 2016. Disposition = Received & Filed**
- 718. NYS Dept. of Environmental Conservation to Supervisor –  
Findings from National Flood Insurance Program Community Assistance  
Visit, Town of Lancaster, Erie County.  
Disposition = Town Engineer & Code Enforcement Officer**
- 719. NYS Dept. of Environmental Conservation to Supervisor –  
Freshwater Wetland Map Amendment Notice. Disposition = Town Engineer,  
Code Enforcement Officer, Highway Superintendent, Town Attorney**
- 720. Catholic Charities of Buffalo to Supervisor –  
Catholic Charities of Buffalo 2015 Outcomes Report.  
Disposition = Received & Filed**
- 721. Planning Board Chairman to Planning Board, Town Board, Engineering  
Consultant, Town Attorney, Highway Superintendent and Building Inspector --  
Draft copy of minutes from November 2, 2016 Planning Board meeting.  
Disposition = Planning Committee**
- 722. Code Enforcement Officer to Town Board –  
Recommend approval of Special Use Permit Application for Gregory Sojka/  
Greg's Tree Service, 1230 Townline Road. Disposition = Resolution 11/21/16**
- 723. Town Clerk to Town Board –  
Transmittal of renewal application for a 2017 License to Conduct a Salvage  
Yard for Advantage Trucks.com, LLC. Disposition = For Resolution**
- 724. Charter Communications to Town Clerk –  
Upcoming changes to various service fees. Disposition = Received & Filed**
- 725. Park Crew Chief to Supervisor and Town Board –  
Request for resolution appointing one individual to the position of part-time  
permanent employee for the fall/winter of 2016-2017 in the Parks, Recreation &  
Forestry Dept. retroactive to November 5, 2016.  
Disposition = Resolution 11/21/16**

726. Park Crew Chief to Supervisor and Town Board –  
Request for resolution for Imperial Door Controls, Inc., 85 Oriskany Dr.,  
Tonawanda, NY to install two Horton 4-4200 Series bi-folding doors at the court  
building at 525 Pavement Road. Disposition = Resolution 11/21/16
727. Town Line Volunteer Fire Department to Town Clerk –  
Change in roster. Disposition = Resolution 11/21/16
728. Lafarge Aggregates & Concrete to Town Clerk –  
Notice that Lafarge does not plan to excavate any sand and gravel on any of its  
properties in the Town of Lancaster. Disposition = Received & Filed
729. Erie County Dept. of Environment & Planning to Supervisor –  
Notice that road striping activities along William Street near the intersection of  
Transit Road will occur in November. Disposition = Received & Filed
730. Deny Adelman to Supervisor and Town Board –  
Request for consideration for nomination to the Zoning Board of Appeals.  
Disposition = Received & Filed
731. Town Clerk to Town Engineer –  
Transmittal of final mylar plat map for Summerwind Subdivision and request  
for certification by letter that this mylar print is a true copy of the paper plat  
plan. Disposition = Received & Filed
732. Town Engineer to Town Clerk –  
Recommendation for Town Clerk to sign Summerwind Subdivision map cover  
dated September 9, 2016. Disposition = Received & Filed
733. Town Attorney to Town Board and Planning Board –  
SEQR response from NYSDOT regarding Buffalo Vascular, 6335-6337 Transit  
Road, Proj. #1525. Disposition = Planning Committee
734. Executive Director Youth Bureau to Supervisor and Town Board –  
Recommend two individuals for hire as regular part-time tutors for the  
Lancaster Youth Bureau effective November 16, 2016.  
Disposition = Resolution 11/21/16
735. Charter Communications to Town Clerk –  
Developments affecting Time Warner Cable, locally known as Charter  
Communications in the WNY Division. Disposition = Received & Filed
736. Town of Clarence to Town Clerk –  
Solicitation for Lead Agency Status for Town of Clarence Solar Code  
Adoption. Disposition = Planning Committee
737. Park Crew Chief to Supervisor and Town Board –  
Request for resolution to increase Town of Lancaster Recreation Program  
Fees. Disposition = For Resolution
738. Park Crew Chief to Supervisor and Town Board –  
Request for resolution for Tour Greens of WNY, 5141 Batavia-Elba Road,  
Batavia, NY to replace two 20-year old bocce courts at the Senior Center.  
Disposition = Resolution 11/21/16
739. Town Attorney to Town Board and Planning Board –  
SEQR response from NYS Dept. of Environmental Conservation regarding  
Seneca Place 2-Lot Development, South of Seneca Place, Proj. #1750.  
Disposition = Planning Committee
740. Town Clerk to Town Board –  
Copy of renewal application for a 2017 License to Conduct a Salvage Yard for  
Ed Henning Inc., 933 Ransom Road. Disposition = For Resolution



**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY  
COUNCIL MEMBER WALTER AND CARRIED,** the meeting was adjourned  
at 8:48 P.M.

Signed\_\_\_\_\_

Diane M. Terranova, Town Clerk